

been transported from the State of New Jersey into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of calcium, magnesium, and zinc, carbonates, glycerin, soap, and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the article fell below such professed standard, since it was not an antiseptic article.

Misbranding was alleged for the reason that the statement on the carton, "An antiseptic dentifrice," was false and misleading, since the article was not antiseptic. It was further alleged in the libel that the article was misbranded in violation of paragraph 3 of section 8 of the act as amended, in that the statements on the tube, carton, and circular, regarding the curative or therapeutic effects of the article (tube), "Prevents decay and hardens the gums," (carton) "It helps to stop the bleeding of the gums and hardens same," and (circular) "(Prevent pyorrhea \* \* \* to check pyorrhea and restore the gums to normalcy eat some coarse food each day such as hard dry toast and brush your teeth frequently with Blackstone's Tooth Paste," were false and misleading and deceived and misled the purchaser, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed. Paragraph 3 of section 8 of the act as amended, in the case of drugs, brings within the provisions of the law articles of drugs, the package or label of which bears or contains any statement, design, or device, regarding the curative or therapeutic effect of the article, or any ingredient or substance contained therein which is false and fraudulent. The above-quoted curative and therapeutic claims from the labeling were deemed by this department to be false and fraudulent, and such charge was recommended to the United States attorney.

On June 29, 1931, no claim having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18514. Misbranding of Red Pills. U. S. v. 8 Bottles of Red Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26125. I. S. No. 26588. S. No. 4378.)**

Examination of a drug product, known as Red Pills, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the eastern district of Wisconsin.

On March 28, 1931, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of eight bottles of the said Red Pills, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Joseph Triner Co., Chicago, Ill., on or about October 13, 1930, and had been transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of extracts of laxative plant drugs including aloë, strychnine, and ginger oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Recommended in \* \* \* Jaundice, Coughs and \* \* \* Female Troubles, Rheumatism;" (bottle) "Indicated in \* \* \* Indigestion, Jaundice."

On May 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*